# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/085,125 | 03/01/2002 | Tomoaki Umeda | Q66588 | 3925 |

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| 2173 | |

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>27 April 2006</u>.

2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1 - 33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed..

6) ☒ Claim(s) *1 - 33* is/are rejected.

7) ☐ Claim(s) _·___ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01 March 2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some *   c) ☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.    The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

2.    Claims 1, 4, 7, 19 - 33 are rejected under 35 USC 103(a) as being unpatentable

over Nagasaka et al. ("Nagasaka"; US #6,697,090 B1) in view of Fredlund et al.

("Fredlund"; US #5,666,215).

As per the "data management method" of independent claim 1 (and also the

comparable "apparatus" and "recording medium" of respective independent claims 4, 7),

the use of an "icon corresponding to a data management unit with which data can be

registered" is found in Nagasaka, where a "drag-and-drop" interface such as the one in

figs 9(a), 9(b) appears.  In Nagasaka, When the user selects a desired image and a

desired printer among the possible choices and drags and drops the data icon of the

selected image onto the icon of the selected printer, an instruction to transfer data of the

selected image from the digital camera A to the selected printer is immediately given

(col 12, lines 26 - 61).  Such a transfer reads directly upon "registering the data with the

data management unit", when a source icon in Nagasaka is dragged and dropped upon

a printer destination.  As is seen in figs 4(a), 9(a), 9(b), respectively, the levels of Digital

Cameras, Digital Camera A, and Digital Camera A's images are all selectable as icons

representing "data".

While Nagasaka contains the illustration in the hierarchy of sources that "opening

the icon" can produce "a simple output of the data" in the case of, for example, a Digital

Camera A icon showing its image contents, Nagasaka does not contain an **explicit**

teaching that "a simple output of the data registered with the data management unit to

the display" should occur by "opening" the "icon corresponding to a data management

unit" (though an intermediate device to which an object is dragged in Nagasaka may be

an input device or an output device (col 4, lines 4 - 15), meaning that a destination

"icon" subject to "registering the data" has the potential in such a case of being opened

in, say, the style of the Digital Camera A icon, and thus yielding a "simple output").

However, the Fredlund SYSTEM AND METHOD FOR REMOTELY SELECTING

PHOTOGRAPHIC IMAGES is such that imagettes (28) from the digital image file are

displayed in a column 52 (fig 3; col 5, lines 14 - 51) and the customer then identifies one

of the images using a standard drag and drop computer interface, dragging it into the

large display area 56. Fredlund is significant in this regard, in that when the image has

been displayed in the display area 56 (and thus "registered" for image related services),

various operations on the displayed image can be performed (col 5, line 52 - col 6, line

6), prior to submission to a photofinisher. This amounts to a print preview of the

selected imagery that is being sent to a printer, and thus a "simple output of the data".

It would have been obvious to a person having ordinary skill in the art at the time

of applicant's invention to have an "icon corresponding to a data management unit" that

is a destination for "a drag-and-drop operation for the data onto the icon" as in

Nagasaka, but where an alternative representation of the "icon" (such as that which

would be obtained "by opening the icon" in Nagasaka) is that of Fredlund's "simple

output" as in the display area 56, because this provides an immediate indication to the

Nagasaka user of what is being forwarded to further processing from initial "data".

Motivation to modify Nagasaka (besides that of the destination icon being openable as a

subsequent source) rests at least in Nagasaka's interest in providing a reliable

indication of what is about to be printed, saving printing resources of the kind that will

become particularly valuable in a specialty-printing arrangement such as Fredlund's.

As per claims 19 - 21 (and also claims 25 - 27), in which "the data management

unit stores the data or a link to the data", when Fredlund's user has "registered" "data", it

is forwarded to a photo processing lab (col 6, lines 50 - 63), at which a buffered copy of

some sort will be retained.

Having "a plurality of data" being "individually dragged-and-dropped onto the icon

to register the plurality of data" (claims 22 - 24) is implied by the user having the

capability to select multiple images from a region 603 as in fig 6(b) of Nagasaka.

As per independent claim 28's "image display and ordering method" (and the

parallel "apparatus", "medium" of respective independent claims 30, 32), the Nagasaka

arrangement provides both for "a display icon corresponding to a stored image data set"

(such as Digital Camera A's indications) and "an order icon corresponding to an image

data set selected for ordering", when the Printer icons are extended to the environment

of developing order information as in Fredlund, with "registering" being accomplished by

"a drag-and-drop operation" in Nagasaka. When Nagasaka's source preview for Digital

Camera A is accompanied by the use of print preview region 56 in Fredlund, "a simple

image" is accessible upon the opening of each such "icon". Should the Nagasaka user

have Fredlund's notification of what is about to be printed upon "opening the order icon"

at the Printer location, "image order processing of the registered image" is possible, as

in the image modifications possible in Fredlund's preview region. Alternatively, the

Nagasaka/Fredlund combination reads reasonably upon "image order processing",

when the Nagasaka icon is at all accessed upon "opening the order icon" to show

Fredlund's preview.

As per claims 29, 31, 33, "a simple image of each registered image" will be

presented as in Fredlund, noted above. Then, "requesting print order information"

occurs in Fredlund, to specify what the photofinisher should do. Finally, the Fredlund

photo processing lab 14 as in figs 1A, 1B is the destination for "sending the print order

information to a remote processing center".

3.      Claims 2 - 3, 5 - 6, 8 - 18 are rejected under 35 USC 103(a) as being

unpatentable over Nagasaka in view of Fredlund and Jackson et al. ("Jackson"; US

#2002/0105658 A1).

As per claim 2's limitation that "the data are image data and the simple output is

displaying a thumbnail image" (and also claims 5, 8), while the "image data" source has

such thumbnails in both of Nagasaka and Fredlund, the Fredlund/Nagasaka

combination does not contain an **explicit** situation of a selected image region showing

such a "simple output" in "thumbnail image" form (though the print preview region 56 in

Fredlund provides a "simple output" *per se*).

However, in UTILIZING STORED IMAGES, Jackson has a user selecting at least

one image to be utilized after viewing the displayed images, and selecting a service

(Abstract). Jackson's fig 7 illustrates a "thumbnail" index with highlighting representing

the images selected for a service (paragraphs [0049] - [0050]). As in Fredlund, this is a

"simple output of the data registered with the data management unit".

It would have been further obvious to the person having ordinary skill in the art at the time of applicant's invention to use a selected image index such as Jackson's, in conjunction with the "data management method" seen in Nagasaka/Fredlund, for this will assist the user still further in understanding just what has been indicated for print "by carrying out a drag-and-drop operation". The Nagasaka user, for example, would be motivated in the plural-item image selection from thumbnails in fig 6(b) to provide the user an indication of those items that have been cumulatively selected, so as to verify a print job order.

As per claims 3, 6, 9, in the Nagasaka/Fredlund scenario, a Jackson selected item thumbnail screen as per the obvious modification can indicate "the case where a plurality of sets of the image data have been registered with the data management unit", this becoming (as in Fredlund and Jackson both) "an order screen". Both Fredlund and Jackson also have "receiving an input of the content of a print order" and "generating order information", being involved as they are in photo processing. As seen in Fredlund's figs 1A, 1B, a "remote service provider" as in claims 10 - 12 is capable of all of "storing image data, recording the image data on portable recording medium" (as via a photo CD writer 113), and "printing image data" as by the printer units 106, 108, 110.

As per claims 13 - 15, Jackson's user uploads digital files In another embodiment, containing videos, audio recordings, or scanned documents such as children's drawings, deeds, wills, etc. (paragraph [0078]), to read upon the claimed "image data, audio data, moving-image data and text-file data". In addition to the above-noted "thumbnail image of the image data" (claims 16 - 18), thumbnails depicting

one or more images of a video clip, or an audio snippet providing a short audio

recording are provided for user selection in Jackson, to read upon a "simple output" of

"a portion of the audio data" and "still image of a scene in the moving-image data", while

the representations in Jackson are "a print preview of the text file" for scanned

documents.

4.      Applicant's arguments filed 27 April 2005 have been fully considered but they are

not persuasive.

        Concerning the Examiner's reading of an intermediate device in Nagasaka that

can receive input in the style of the claimed "icon corresponding to a data management

unit" and then have "opening the icon" permit a view of what is there to be obtained,

applicant argues at page 3 that "Attributing features of the input device to the

intermediate device when the intermediate device is acting as an output device is pure

speculation on the part of the Examiner, since there is no disclosure or suggestion that

the output information may be opened in a window similar to that of window 603".

However, it remains that the Nagasaka destination icon would be opened to obtain a

view of its contents, in the event that the user wishes to select items that have been

moved into it, by "carrying out a drag-and-drop operation".  The phrase "opening the

icon", when referring to a Nagasaka intermediate device, will read upon the destination

device's icon becoming invokable to show its content choices, when processing

proceeds to the intermediate device being read out.  The intermediate device is

represented by a single graphical entity, its icon, throughout the process.  In

subsequently using the icon representing that device (if, for example, a fig 9(b) Printer is

replaced as per Nagasaka with the intermediate device), it would be expected to

operate like one of the Digital Camera entities in fig 9(a), with its iconic representation

being used throughout to denote destination and source. In combination with

Fredlund's teaching of "a simple output" of selected items, Nagasaka would be modified

to perform in the manner of applicant's broad claim. The output icon in Nagasaka,

should it be used in a further step, **does** have an "output information window", to

counter applicant's subsequent page 3 argument, and provides motivation to use a

screen like Fredlund's.

Applicant addresses Fredlund at pages 3 – 4 by arguing that "screen 56 is not a

print preview screen", since it will "correspond more to an image editing screen than a

print preview screen". However, in observing what is in the Fredlund screen, the user is

seeing a "simple output" of what is to be processed in a later step, and the user of the

Nagasaka/Fredlund combination is thus seeing an advance example of what the finally-

produced image will contain.

At page 4 applicant argues that "because the screen that the Examiner wishes to

incorporate into the system of Nagasaka is an image editing screen, the modification of

a simple data transfer program to incorporate a multi-featured editing screen is clearly

not obvious". However, Fredlund is being relied upon to illustrate that it was known in

the art to show image processing customers or users an example of what the images

are that have been selected for processing and are identified by simpler images, the

essential teaching that is being relied upon. The ability to provide editing functions in

Fredlund's identical disclosure stands in analogy to the data objects similarly being

subject to additional operations by mapping to a destination device in Nagasaka.

Traversing the Examiner's combination of the two references, applicant argues at

page 4 that "There is no disclosure or suggestion that a 'simple output' e.g., a print

preview screen, would be desirable. In fact, Nagasaka already contemplates a

verification feature. The icons in Fig. 9(b) are thumbnail images, which provide

verification to the user of the data selection". However, such a reality in Nagasaka only

makes stronger the argument for including some way of seeing a "simple output" prior to

proceeding with an image processing sequence. If anything, applicant is pointing out

that the thumbnails in Nagasaka actually **are** a "simple output", and the claim might

instead be seen as anticipated by Nagasaka alone.

Applicant argues at page 5 that "Fredlund relates to photo processing and

ordering photographic images" and this is "not in the context of transferring data files"—

"the types of user interfaces" are "non-analogous". However, the same essential

procedure occurs in each reference; the passing between devices of image files. The

Fredlund "order"-processing arrangement works with data by directing images and thus

their files. Contrary to applicant's argument, strong analogy exists between the two

prior art references.

Concerning Jackson, applicant argues at page 6 that "The use of thumbnail

images [Jackson] in indexing would provide no better verification than that disclosed by

Nagasaka", and "it would not have been desirable to combine the teachings of Jackson

with at least Nagasaka". However, Jackson has been cited to show specific examples

of the use of a thumbnail image for a simple output representation. Indeed, the use of

thumbnails in general is already seen as prevalent in Nagasaka; the Examiner cites

Jackson in a full attempt to provide clear and convincing evidence for asserting

obviousness.

5.      The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        During a new and updating search of the prior art, the Examiner noted the

relevance of Wood et al. (US #6,895,557 B1) and Motamed (US #7,002,700), when it

comes to drag-and-drop data management interfaces.

6.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Raymond J. Bayerl whose telephone number is (571)

272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

8.     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

9.     Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
17 May 2006